

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

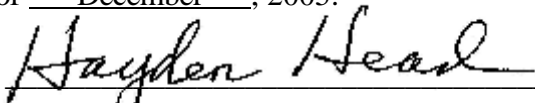
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|-----------------------|---|-------------------|
| JESSE A. MARTINEZ, | § | |
| | § | |
| v. | § | C.A. NO. C-05-112 |
| | § | |
| WARDEN JOE D. DRIVER, | § | |

**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S MOTION
TO DISMISS**

On October 20, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 21). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Services Automobile Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, respondent's motion to dismiss (D.E. 20) is GRANTED, and petitioner's cause of action for habeas corpus relief is DISMISSED for failure to exhaust administrative remedies.

ORDERED this 21st day of December, 2005.



HAYDEN HEAD
CHIEF JUDGE